

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Chiu, et al.

Serial No.: 07/525,943

Group Art Unit: 1302

Filed: May 17, 1990

Examiner: J. Gollan

For: BULKING AGENTS AND PROCESSES FOR
PREPARING THEM FROM FOOD GUMSAMENDMENT UNDER 37 C.F.R. SECTION 1.115Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AT FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D. C. 20231, ON <u>October 16, 1992</u> BY <u>Mary E. Porter</u>
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This amendment is submitted in response to a third Office Action mailed on April 17, 1992, in the above-captioned patent application.

In this Office Action the Examiner has rejected Claims 29-35, all claims pending in the application, under 35 U.S.C. Section 102(e), or in the alternative, 35 U.S.C. Section 103 over U.S. Patent No. 4,971,814, issued November 20, 1990, to Tomita, et al. ("Tomita").

The Examiner also rejected Claims 29-35 under 35 U.S.C. Section 103 over U.S. Patent No. 3,901,874, issued August 26, 1975, to Hill ("Hill"), in view of the admitted state of the art (European Patent Application No. 0,301,440 of Barnett, et al., published February 1, 1989) ("Barnett").

Finally, the Examiner rejected Claims 29-35 under 35 U.S.C. Section 102(e) or in the alternative, under 35 U.S.C. Section 103 over U.S. Patent No. 5,073,387, issued December 17, 1991, to Whistler ("Whistler").

Applicants respectfully traverse each of the Examiner's rejections.

AMENDMENTIn the Claims:

Please amend the following claims.

29. (once amended) An edible formulation, comprising edible, water soluble hydrolysates of food gums selected from the group consisting of guar gum, locust bean gum, konjac gum, [tamarind seed gum,] xanthan gum, pectin, carrageenan, and alginates, and combinations thereof, wherein the hydrolysates of food gums have a weight average molecular weight of 500 to 50,000, [and] an average DP of 3 to 75, and a maximum viscosity of 50 cps in a 30% solution, and wherein the hydrolysates of food gums function as bulking agents in the edible formulation.